

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoUnited States of America  
v.

Joel VALVERDE

Defendant(s)

Case No:

19-2935 MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of August 30, 2019 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(ii)(Transporting), 1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

engaged in a conspiracy to commit a violation of 8 USC 1324(a)(1)(a)(v)(I) Conspiracy, to wit: 8 USC 1324(a)(1)(a)(ii) Transporting, knowing or in reckless disregard of the fact that, Amos ANGEL-Solis, Carlos Uriel CANCINO-Perez, Elias GAVEZ-Galvez, Rocael LOPEZ-Perez, Jeconias MORALES-Velasquez, Angel PAEZ-Lezama, Giovanni RAMIREZ-Paez and Isais VELASQUEZ-Lopez had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On August 30, 2019, at approximately 1948 hours, a Border Patrol Agent (BPA) was in an unmarked government vehicle driving eastbound along New Mexico Highway 9. BPA was west of the Mobile Border Patrol Checkpoint that is located on New Mexico Highway 9, mile marker 137, when he observed a grey Dodge Ram pick-up truck stop on the side of the highway at mile marker 136 and pick up a large group of possible undocumented aliens. As the BPA approached the checkpoint, he advised another BPA of what he had observed. The BPA observed the Dodge Ram traveling eastbound at a high rate of speed and pass the checkpoint. The BPA advised (via service radio) Agents in the area of the information that had been provided by the previous BPA.

☒ Continued on the attached sheet.



Complainant's signature


Matthew Simpkins, Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 1, 2019

City and state: Las Cruces, N.M.



GREGORY J. FOURATT  
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Joel VALVERDE

**Continuation of Statement of Facts:**

This area is notoriously used by illegal aliens to further their illegal entry into the United States because of its close proximity to the border.

At approximately 1955 hours, a BPA responded to the area to interdict the Dodge Ram. As the BPA was traveling westbound on the highway he encountered the Dodge Ram on New Mexico Highway 9 (mile marker 142). The BPA was in his marked government vehicle (M98101), made a U-turn and caught up to the Dodge Ram that continued to travel eastbound at a high rate of speed. The BPA caught up to the Dodge Ram and identified the vehicle as a grey Dodge Ram bearing Texas registration plates LLV 3154. As the BPA was following the vehicle on New Mexico Highway 9, he was able to see multiple silhouettes of many subjects inside the vehicle.

At approximately 1957 hours, the BPA and a Supervisory Border Patrol Agent (SBPA) positioned themselves behind the vehicle and notified El Paso Sector Radio (KAK-880) that they would be conducting a vehicle stop. The BPA and SBPA activated their emergency equipment at New Mexico Highway 9 Mile Marker 144. At this time, the vehicle began to yield and came to a complete stop alongside the highway by an area known to BPAs as "The Racetrack". As soon as the vehicle stopped, the rear passenger and front passenger doors opened and eight subjects ran out of the vehicle attempting to flee the scene. The BPA advised Agents in the area of what had occurred over his service radio.

Upon approaching the driver side of the vehicle, the BPA observed the driver open his door and get out of the vehicle. The BPA identified himself as a United States Border Patrol Agent and placed the driver (later identified as VALVERDE) under arrest.

Shortly thereafter, all passengers were apprehended within a short distance of the vehicle stop by BPAs. BPAs questioned all of the subjects as to their citizenship and immigration status. All of the eight subjects claimed to be citizens and nationals of Mexico. All of the eight subjects who fled from the vehicle stop admitted to having just made an illegal entry prior to being pulled over by the United States Border Patrol. All of the subjects admitted to being without the proper immigration documentation allowing them to be or remain in the United States legally.

All subjects were placed under arrest and transported to the Santa Teresa Border Patrol Station for processing.

**DRIVER STATEMENT (VALVERDE):**

VALVERDE, Joel stated that on today's date (August 30, 2019) he was in the area of New Mexico Highway 9 taking photos. VALVERDE claimed that he takes photos as a hobby and was in the area looking for a good place to take photos of a car he has.

VALVERDE stated that as he was standing there outside of his vehicle he saw several people walking towards him and one of them hit him in the head with an object and told him to get in the truck and drive. VALVERDE stated that all of the other subjects got into the vehicle and he began to drive. VALVERDE does not state anything that happened during the drive until he was pulled over and all of the people in the vehicle ran out of the truck. VALVERDE stated that when he got pulled over that he got out of the vehicle to ask the BPA behind him for help. VALVERDE stated that the vehicle his is in is a

rental due to wrecking his car a few weeks ago.

#### MATERIAL WITNESS 1 STATEMENT:

MATERIAL WITNESS 1 stated that on August 30, 2019, about 3 pm they were dropped off close to the U.S / Mexico International Boundary line by two unknown men. MATERIAL WITNESS 1 stated that the men who dropped them off gave them instructions to walk straight through the desert and that they would walk until they got to a paved road. MATERIAL WITNESS 1 stated that they were told a gray four door Dodge Ram would be the pickup vehicle. They were told that the vehicle would be honking when it arrived to the area. They were given instructions to wait next to mile marker 136 on New Mexico Highway 9. MATERIAL WITNESS 1 stated that once they arrived to the highway they waited for about half an hour before they heard a vehicle honking. MATERIAL WITNESS 1 said that the group came out from the brush and the driver moved a couple of feet to align itself right in front of the group. Once the gray Dodge Ram stopped in front of them, the driver pushed the passenger door open and told them to get in. Once the group was in the truck MATERIAL WITNESS 1 said that the driver was on the phone advising someone that he had picked up the group and was on his way. Moments later MATERIAL WITNESS 1 said that the driver advised the person on the phone that he believed that he had been seen once a Border Patrol Agent in a marked unit was driving behind them. MATERIAL WITNESS 1 said that the driver sped up to an extremely fast speed and then told them that as soon as he stopped that they were going to get out of the truck and run away. MATERIAL WITNESS 1 said once the truck came to a full stop the group got out and ran in different directions not knowing where they were going until Border Patrol Agents caught them all. MATERIAL WITNESS 1 was shown a picture of the driver, identified as VALVERDE and positively identified him as the driver.

#### MATERIAL WITNESS 2 STATEMENT:

MATERIAL WITNESS 2 stated that on August 30, 2019, they were dropped off close to the U.S / Mexico International Boundary line by two unknown men. MATERIAL WITNESS 2 stated that the men who dropped them off and told them to walk in a direction that they would take them to a road and they were to wait. MATERIAL WITNESS 2 stated that they were told a gray Dodge Ram would be the pickup vehicle. They were told that the vehicle would be honking when it arrived to the area. MATERIAL WITNESS 2 stated that they were given instructions to wait next to green mile marker 136 sign on the road. MATERIAL WITNESS 2 stated that once they arrived to the highway they looked for the sign they were told to wait by and stated that they were only about a mile away from it. Once they got to a location near the sign, MATERIAL WITNESS 2 stated that he and the group waited for about an hour behind some brush before they saw a grey truck pass them and then make a U-turn. MATERIAL WITNESS 2 stated that the grey truck then stopped and he heard it honk. MATERIAL WITNESS 2 stated that when he came out from the brush the truck started to move towards them. MATERIAL WITNESS 2 stated that when the truck stopped, the driver told them to all get in and hurry MATERIAL WITNESS 2 stated that as they were getting into the vehicle, he saw a white van pass them. Once the group was in the truck, MATERIAL WITNESS 2 stated that the driver was on the phone with someone, but he could not hear what the driver was saying. MATERIAL WITNESS 2 stated that the driver started to speed up and was telling him and the rest of the group that he believed they had been seen and that as soon as he stopped he wanted them to get out of the truck and run away. MATERIAL WITNESS 2 stated that once the truck came to a complete stop the group got out and ran in different directions not knowing where they were going until Border Patrol Agents caught them all. MATERIAL WITNESS 2 was shown a photo of the driver (identified as VALVERDE) and positively identified him as the driver.

#### MATERIAL WITNESS 3 STATEMENT:

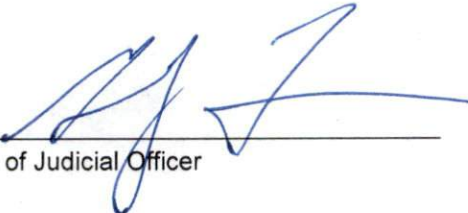
MATERIAL WITNESS 3 stated that on August 30, 2019, they were dropped off close to the U.S / Mexico International Boundary line by two men. MATERIAL WITNESS 3 stated that the men who dropped them off gave them instructions on the direction that they would walk until they got to a highway. MATERIAL WITNESS 3 stated that they were told a gray Dodge Ram would be the pickup vehicle. They were told that the vehicle would be honking when it arrived to the area. They were given instructions to wait next to mile marker 136 on New Mexico Highway 9. MATERIAL WITNESS 3 stated that once they arrived to the highway they waited for about an hour before one of the guys in the group said he saw a grey truck pass them and thought it was the one they were waiting for. MATERIAL WITNESS 3 stated that he then stood up to see if it was the truck they were waiting for and observed the truck make a U-turn, stop on the side of the road and honk. MATERIAL WITNESS 3 stated that when he and the group came out from the brush, the truck moved closer to them and he heard someone yell "vamonos" (Let's go). MATERIAL WITNESS 3 stated that as he was getting in the truck he saw a white van pass them and slow down. MATERIAL WITNESS 3 stated that he thought it was another vehicle that was there to pick them up, but then the van kept going. Once the group was in the truck, MATERIAL WITNESS 3 stated that he saw the driver on the phone and could hear him saying something to the effect that he had picked up the group. MATERIAL WITNESS 3 stated that as they drove down the road they saw the white van that had passed them and was talking to a Border Patrol Agent who was in a Border Patrol Truck. MATERIAL WITNESS 3 stated that the driver then told them that


he believed they had been seen and sped up. MATERIAL WITNESS 3 stated that the driver told them that as soon as he stopped that they were going to get out of the truck and run away. MATERIAL WITNESS 3 stated that once the truck came to a full stop the group got out and ran in different directions not knowing where they were going until Border Patrol Agents caught them all. MATERIAL WITNESS 3 was shown a photo of the driver (identified as VALVERDE) and positively identified him as the driver.

**CONCLUSION:**

Assistant United States Attorney Aaron Jordan was contacted and presented with the one on eight Smuggling Scheme against VALVERDE. AUSA Jordan approved prosecution for 8 USC 1324 Transporting Aliens on VALVERDE. VALVERDE will be remanded to the custody of the Otero County Prison Facility pending his Initial Hearing.

**Continuation of Statutory Language:**

  
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Signature of Judicial Officer

  
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Signature of Complainant  
Simpkins, Matthew  
\_\_\_\_\_  
Filing Agent